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C O N F I D E N T I A L RABAT 000181

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STATE FOR NEA/MAG, DRL

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TAGS: PGOV PHUM PBTS MO

SUBJECT: VISITING THE PRISON IN LAAYOUNE, WESTERN SAHARA

REF: RABAT 02287

Classified By: Pol/Couns Timothy Lenderking, Reasons 1.4 (b) and (d)

¶1. (C) Summary: Prison conditions in Morocco and the Western Sahara are a major human rights concern and are frequently discussed by the USG and international human rights organizations. Poloff raised the possibility of visiting prisons throughout the country with the Ministry of Justice (MOJ), Directorate of Prisons in November (reftel). Given the positive response, a request was made and granted to visit the prison in Laayoune, Western Sahara during the NEA/MAG Morocco Desk Officer's January 23-27 visit to Morocco and the Western Sahara. This was the first visit by the US Embassy to Laayoune Prison, and likely the first by any diplomatic mission outside of the performance of consular duties. The Laayoune prison is old, dilapidated and lacks sufficient space, which the irector readily admitted. Construction of a new acility is slated to begin the week of February , which will increase capacity and allow for broader inmate training opportunities. The meeting was cordial, informative and the director of the prion, Moustapha Rafii, answered questions in a relxed manner. While he put the best face on prisonlife and administration, his comments were clearly unrehearsed -- as he himself said, this was thefirst visit of its kind to Laayoune prison. Rafi was not xplicit on how many Sahrawi prisoners wee incarcerated, though he was emphatic that ther were no political prisoners in the prison, and Shrawis were treated the same as any other prisonr. Polcouns, Poloff and Pol LES member attendedthe meeting. This successful visit on January 2 lays the foundation for developing a relationship with the prison authorities in Laayoune and increses the possibility of visits to other prisons. End Summary.

Locationand Impression

¶2. (SU) Located on the southern outskirts of Laayoune, the prison is adjacent to a partially paved road. Because of the recent intense rains in the region (apparently the heaviest in almost 20 years), the approach to the prison was muddy with standing water. Lining the streets were visitors, mostly women, some of whom were obviously carrying food to prisoners. (Note: In reftel there is a discussion of food in prisons. End Note.)

¶3. (SBU) Part of the prison structures were constructed by

the Spanish during occupation. From the outside, three impressions were striking: one, the wall around the prison is topped with "merlins" or crenellations which are often used in so-called Islamic architecture; two, the concrete buildings have visible evidence of decay, retention of water, and "rotting" or disintegration of the concrete; and, three, the buildings are painted "desert pink" like most of Laayoune, allowing the prison to blend into its surroundings.

¶4. (SBU) The administrative building entrance is a metal, locked door, followed by a courtyard and another locked metal door. After entering the structure, one passes through a series of locked gates and up narrow stairs to the director's office area. Guards were present as were prisoners. The meeting took place in the director's small, unpretentious office. The records room, located across from the director's office, was large but crowded with staff.

Discussing the Prison

¶5. (C) The director is well aware of the fact that the facility is not modern. There are 380 prisoners presently, ten of whom are women. While 350 is the maximum, the director indicated that there have been as many as 400 in the prison at one time. The original seven rooms from the Spanish construction have been expanded twice. Ten years ago, the facility was enlarged again. There can be as many as sixty prisoners in each of the five large rooms that measure approximately fifty square meters. The director noted that each of the rooms now "certainly" has more than thirty prisoners in it. There are six medium sized rooms and seven small rooms; the latter are not used any longer.

¶6. (C) The inmates have been charged with a range of crimes under the penal code, primarily drug dealing and petty crimes. Prisoners, according to the penal code and prison directorate, may request to be in a prison where their families are located. (Note: The GOM does not have a political prisoner category. All prisoners are charged with other crimes, e.g., violence, property damage, etc. (Note: International nongovernmental organizations (NGOs), notably Amnesty International (AI) and Human Rights Watch (HRW), have accused the GOM of imprisoning Sahrawi demonstrators for political reasons. End Note.) Drug traffickers, identified as coming from Mali, Mauritania and Algeria, and illegal migrants are usually returned to their countries. The embassies are notified immediately by telephone and fax, and, consular officers have access to their citizens. The director noted that prisoners usually have "short and medium" sentences because the prison cannot accommodate those imprisoned for long period of times, and, as well, the prison is not a high security installation. He also pointed out that the prison is similar to the ones in Dakhla and Smara. High security prisoners or those serving long sentences are sent to Agadir or Marrakesh.

¶7. (C) Knowing that the prisoners frequently complain about the quantity and quality of the food, Poloff asked about the situation in Laayoune. The director recognized that changes are necessary to the diet which is comprised of chicken, meat, beans and vegetables. The Ministry of Finance (MOF) must allocate more funds, according to the director. The MOJ has sent doctors and nutritionists under the Ministry of Health (MOH) to the prison to review the diet. The director is hopeful that the situation will change.

"A Peaceful Mind Brings a Peaceful Body"

¶8. (C) The prisoners have a daily routine which they must follow, Rafii said, but there is no forced labor at the prison. The prisoners are responsible for cleaning their own cells and clothes. There are skills workshops, a theater group and a small space allocated for sports. The director,

a professional in the penitentiary system for thirty-one years, seemed genuinely distressed by the lack of space for sports or gymnastics. Prisoners are outside from 8:30-11:30 and 2:30-5:30. NGOs, particularly Association Nour, work with the inmates by counseling them on health issues, especially if they have been incarcerated for drug abuse, and how to reintegrate into society. Teachers, assigned by the Ministry of Culture (MOC), assist with educational courses, literacy classes, painting, writing, etc. The director believes that if the prison system can help to create a peaceful mind and body, prisoners will be rehabilitated and have hope for the future. While there are no statistics available, the director thinks that the educational and vocational training opportunities keep prisoners from being repeat offenders.

¶9. (C) Throughout the discussion, the director exhibited an holistic approach to prison administration. He emphasized that the prisoners are rarely angry with the prison system, rather they are angry with the court system and the laws. He insisted that all individuals are treated the same within the context of Islam which he believes plays a role religiously and culturally to provide peace. When the Polcouns asked specifically about Sahrawi activists who are now prisoners, the director stated that they are treated the same as other prisoners. Visitation is, according to the director, open and is more than provided in the law.

¶10. (C) When pressed about the status of Sahrawis in prison, the director made it clear that all prisoners are treated the same. He, like his GOM colleagues (septel), emphasized that individuals are in prison because they committed crimes, not because of their political views. He was unwilling to discuss the subject further because, as he said, he does not set GOM policy. (Note: The director's statements are different than the viewpoints of the Sahrawi dissidents (septel). End Note.)

Is there violence in the prison?

¶11. (C) Poloffs interest in the Sahrawis precipitated a discussion about the demonstrators and discipline in the prison. Many citizens have political opinions but do not exhibit what the director identified as "criminal behavior" using physical violence and molotov cocktails. The Sahrawi demonstrators, according to the director, were pushed to commit crimes. It is, he said, the people who pushed the others who are the real criminals, repeating an entrenched GOM position that the riots are fostered by a select few Sahrawi activists. Within the prison, it is against the law to create problems, but inmates are free to express complaints. He insisted that there is no torture in the prison, but demurred on any requests to visit prison cells or any other area outside of central administration. To press home the point about lack of torture, Rafii said there was no private space in the prison to torture people, and the guards were aware of the importance of not abusing prisoners.

Putting a New Face On

¶12. (C) Starting in early February, ground will be broken for a new prison facility which will cost three billion dirham (USD 300 million). The blueprints, which Rafii eagerly shared, indicated a larger facility with separate rooms for various activities, including outdoor sports and a separate, distinct women's section. The new facility will accommodate 1,850 prisoners, and, it will have modern health facilities and workshops.

¶13. (C) The prison guards are trained at a center attached to Morocco's elite Al Akhawayne University in Ifrane before being assigned to duties. The director was positive that there has been a change in mentality and abuse does not occur in the prisons. At the same time, however, he admitted

continuous training should be occurring. Prisoners may, the director said, be hurt when guards have to break up fights among the prisoners, but torture and force are not condoned.

Leaving the Director's Office

¶14. (C) Outside of the director's office, a prisoner was painting canvasses in the small reception area. It is unlikely that he normally paints in this area as he was squatting on the ground and had little or no light. Down the narrow hallway, the director insisted on showing his visitors the ill-equipped library. It is a small room in which four prisoners were writing a play. Interestingly, one of the prisoners spoke English and was eager to talk, proclaiming almost cheerfully that he was the former finance manager of Royal Morocco Airlines. Another prisoner spoke up in English (in the presence of guards) that conditions at the prison were "good." None of the four, however, were Sahrawi, as far as we could tell.

Comment

¶15. (C) We are pleased with this unprecedented visit, literally the Mission's first substantive "foot in the door" to a Moroccan prison (following a visit to the Fes "model prison" in 2005). Even recognizing the limitations of what we were able to see, we believe the visit provides a building block for the future, and demonstrates a willingness on the part of the GOM -- and specifically the MOJ and the Directorate of Prisons -- to engage with the Mission on prison issues and to allow us visibility into the human rights situation in the Western Sahara. The director appeared to appreciate the visit, and welcomed a return visit. End Comment.

¶16. (U) This cable was cleared by Y. Robert Ewing.

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Riley